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8:49 AM PM

NOV 04 2024

NO. CV24-09-734

LOUCRECIA BIGGERSTAFF
DISTRICT CLERK WISE COUNTY, TX
BY CS DEPUTY

IN THE MATTER OF
THE MARRIAGE OF

CHRISTOPHER MCCARTHY
and
DARCY GUSSE

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§
§
§

IN COUNTY COURT AT LAW

NUMBER TWO

WISE COUNTY, TEXAS

ORIGINAL ANSWER FOR PETITION CLAIM OF DIVORCE

I. GENERAL DENIAL

Respondent generally denies each and every, all and singular, the allegations contained in the petition and states that the same are untrue, in whole or in part, and demand strict proof thereof by a preponderance of the evidence and clear and convincing proof as required by law.

II. ANSWER

1. *Discovery.*

Preservation of Evidence.

The Respondent agrees to preserve and will not destroy, conceal, or alter any evidence relevant to the issues in this case.

2. *Objection to Assignment of Case to Associate Judge.*

The Respondent does not object to the assignment of this matter to an associate judge.

3. *Parties.*

Darcy Gusse is the Respondent. The last three numbers of Darcy Gusse's driver's license are 999. The last three numbers of Darcy Gusse's Social Security number are 418.

Chris McCarthy is the Petitioner.

4. *Domicile.*

The Respondent has been a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period.

5. *Service.*

Process should be served on the Respondent at P.O. Box 81, Alvord, Texas 76225.

6. *Jurisdiction.*

The Respondent neither agrees nor disagrees.

7. *Protective Order Statement.*

The Protective Order hearing was withdrawn October 15, 2024.

8. *Dates of Marriage and Separation.*

Denial of Marriage and Separation of Marriage.

The Respondent affirmatively alleges that Petitioner lacks standing to petition for divorce as the Respondent and the Petitioner were not a party to any alleged formal or informal marriage “on or about 2017” or any time after.

The Respondent affirmatively alleges the Petitioner in the month of February of 2020 filed Federal Bankruptcy Chapter 7 with Eastern District of Texas, Case 20-40555. Petitioner filed this Chapter 7 bankruptcy under oath as “Not Married”. Along with stating that “within the last 8 years he did not ever live with a spouse or legal equivalent in a community property state”. Exhibit 2. The Petitioner did not change the status of marital status throughout the filing of his bankruptcy, from filing date of February of 2020 to the discharge date of February of 2021. The Respondent has provided the case files attached to the Respondent’s ANSWER.

Exhibit 1. Voluntary Petition for Individuals Filing for Bankruptcy

Exhibit 2. Official Form 107 Statement of Financial Affairs for Individuals Filing for Bankruptcy

The Respondent affirmatively alleges Federal Tax Returns were filed separately and as “Single” between the Respondent and the Petitioner from 2015 to 2021. The Respondent has yet to file 2022 and 2023 and will be filing “Single”. The Respondent is uninformed of the Petitioner’s Federal Tax Return filings past 2019, in which all known of are filed “Single”.

Exhibit 3. Respondent’s Federal Tax Returns

The Respondent affirmatively alleges the Respondent, and the Petitioner did not have joint banking accounts, the Petitioner was listed as a “signer” only under all the Respondent’s bank accounts for convenience only.

The Petitioner has always had separate bank accounts for his personal use and to pay child support since 2017 and Respondent is unaware of any further information past that. The Respondent has never had any access to any of the Petitioner’s personal or business banking accounts.

The Respondent affirmatively alleges that there was only an engagement with the Petitioner in July of 2017, that was officially announced on social media in September of 2017. That engagement was officially rescinded in mid-2022 and the engagement ring returned to the Petitioner. The Petitioner removed himself from the co-habitated location in mid-2022. At that time The Respondent rescinded the engagement and returned the engagement ring to the Petitioner, the engagement ring was separate property of the Petitioner. The Petitioner has had possession of that engagement ring since mid-2022. No engagement rings have been worn by either the Petitioner or the Respondent since mid-2022.

The Respondent affirmatively alleges that there has not been co-habitation between the Respondent and the Petitioner in over 2 years, since mid-2022 when the engagement was rescinded.

The Petitioner and the Respondent have not been in a romantic relationship with intimacy, dates, or co-habitation, only a rare meal or conversation together (mostly discussing the pending civil suit they were entangled in both as Plaintiffs) since mid-2022.

The Respondent affirmatively alleges the Petitioner’s emotional/verbal abuse, deceptive acts, along with substance abuse and other addictions, lack of commitment were all direct causes of an unstable relationship, for the entirety of that relationship, that an informal or formal marriage could not be fulfilled

from the engagement. Both the Respondent and the Petitioner have been broken up and living in separate locations, “moving out on each other” consistently since 2017.

The Respondent affirmatively alleges the Petitioner denied the Respondent formal marriage early in the relationship, along with any desire for community property for the Petitioner’s desire to limit and control the amount of child support the Petitioner provided to the Courts of Iowa & Kansas for the Petitioner’s three children from a former relationship that the Petitioner did not formally or informally marry. The former relationship with the Petitioner and the mother of his three children lived together for approximately thirteen years and there was no formal marriage consummated by the Petitioner.

There has been no shared leasing agreement for any rental space jointly between the Respondent and the Petitioner. All lease agreements during the entirety of 2017 to 2024 signed have been signed separately.

The Respondent has never referred to the Petitioner as her husband directly to him, nor any family member, close friends, or other legal representation. The Petitioner has never referred to the Respondent as his wife directly to her, nor any family member, close friends, or other legal representation. Neither party has announced or recognized marriage on any social media platform. Only engagement was announced and recognized on social media.

The Respondent has never used the Petitioner’s last name as her last name in any instance.

9. *Grounds for Divorce.*

The Respondent disagrees with any grounds for Divorce from the Petitioner due to the fact there was no formal or informal marriage between the Petitioner and the Respondent at any point in the relationship.

10. *Children of the Marriage.*

The Respondent denies any formal or informal marriage existed. There are no children between the Petitioner and the Respondent.

11. *Division of Community Property.*

The Respondent disagrees that the Petitioner and the Respondent will enter into any agreement for division of the Respondent’s estate.

12. *Separate Property.*

The Petitioner has separate property. To the Respondent’s best knowledge, the Petitioner’s separate property includes: a midget antique car, an enclosed trailer, a flatbed trailer, and either a 2020 or 2022 Ford truck recently purchased by Petitioner.

13. *Confirmation of Constructive Trust.*

The Respondent denies that any “constructive trust” existed or was formed at any point between the Respondent and the Petitioner of the properties below:

- a. 1629 S. Hubbard St, Alvord, Texas, Lot 20, Block 1, of BAR W, an Addition to Wise County, Texas, according to the Plat thereof recorded in Cabinet E, Slide 311, Plat Records of Wise County, Texas – 10.12 acres; and
- b. 157 County Road 1380, Alvord, Texas, Lot 21, Block 1, of BAR W, an Addition to Wise County, Texas, according to the Plat thereof recorded in Cabinet E. Slide 311, Plat Records of Wise County, Texas – 10.01 acres.

The Respondent denies both parties purchased and own the above properties. The Respondent has always been the only purchaser and owner that possesses the above properties.

Titling of the properties above are correct to the standing of the properties' ownership with Wise County, Texas from day of purchase to current date.

There was no property purchased together with the Respondent and the Petitioner in the entirety of the relationship. All property between the Respondent and the Petitioner has been purchased separately from 2017 to 2024.

The Respondent affirmatively alleges that the properties were solely purchased in December of 2020 (Lot 21, 157 County Road 1380, Alvord, Texas) and January of 2021 (Lot 20, 1629 S. Hubbard St, Alvord, Texas) by the Respondent as an individual and the Respondent's solely owned company and is currently solely owned by the Respondent.

The Respondent affirmatively alleges the Petitioner lacks standing to claim rights to listed properties above, as the Respondent and the Petitioner were not party to a mutual agreement of marriage or a mutual agreement for properties to be labeled as community property nor a mutual agreement that the Petitioner has any legal claim to said properties.

The Petitioner was not present at either of the closing transaction of the mentioned real estate properties at locations 157 County Road 1380, Alvord, Texas and 1629 Hubbard Street, Alvord, Texas with Title Resources. The Respondent was present only with the real estate agent and purchased both real estate properties as an "Individual". Both Deed of Trusts have remained the Respondent as Individual owner from dates of purchasing.

The Respondent agrees the Petitioner performed improvements initially as a fiancé, prior to the engagement being called off mid-2022, on the sole owned properties of the Respondent above. These improvements were not business transactions. No major improvements have been made on either property since mid-2022. There is no "house" on the property, there is only a shop with an office space finished out, a camper, a horse run in shed, and a well house. All property improvements are all primarily "unfinished".

The Petitioner did not get consent from the Respondent to list his "new company" Greatworks Custom Homes location of business at the Respondents address. There is no verbal/written consent or written lease for the Petitioner to do so.

The Respondent disagrees with the Petitioner filing *lis pendens* on the properties the Respondent owns. The Petitioner has no rights as the owner of the Respondent's property.

The Petitioner has attempted to coerce by force and threats for the Respondent to sign over the Respondents property, company, and other assets unlawfully.

The Respondent did not refuse to return to the property. The Petitioner has been threatening the Respondent for approximately one year. The Petitioner also was attempting to set up an arson/insurance fraud claim and requesting the Respondent to participate, in which the Respondent refused, on audio recording. As a result, the Respondent had to seek out a Ex Parte Protective Order. The Respondent was hiding and living in a truck in fear on a neighbor's 80 acres next to the property until the Petitioner was served and removed from the property.

The Respondent denies that a trust was ever lawfully formed between the Respondent and the Petitioner.

14. *Request for Temporary Restraining Order.*
Temporary Restraining Order hearing was withdrawn on October 15, 2024.
15. *Extraordinary Relief.*
The Respondent denies that there is any basis for extraordinary relief requested by the Petitioner.
16. *Request for Temporary Orders Concerning Use of Property.*
The Respondent denies the Petitioner's request for Temporary Orders concerning use of the Respondent's property.
17. *Request for Temporary Orders for Discovery and Ancillary Relief.*
- a. Attached is the sworn inventory Exhibit 4, appraisal Exhibit 5, Deed of Trust Exhibit 6 of all the separate owned properties and all debts and liabilities Exhibit 4 of the Respondent. The Respondent denies any community property, debt, or liabilities shared with the Petitioner.
 - b. Attached are the Respondents Tax Returns from 2017 to 2021, Exhibit 3. The Respondent has "yet" to file her Federal Taxes for 2022 and 2023 for the Petitioner has yet to turn over the computer, who was Court Order in the Ex Parte Protective Order Case No. CV24-09-749 to turn over the computer to the Respondent so she could file her taxes for the past two years. The Petitioner has locked the Respondent and her accountant out of her QuickBooks from filing Federal Taxes for the past two years. Exhibit 7.
 - c. The Respondent denies a formal or formal marriage exists and does not have any reason for alternative dispute resolution process before trial of this matter.
 - d. The Respondent neither agrees nor disagrees.
 - e. The Respondent disagrees with an Order issued for a Pretrial Conference.
18. *Breach of Fiduciary Duty.*
The Respondent firmly denies any breach of Fiduciary Duty, as there was no formal or informal marriage to the Petitioner to establish a fiduciary duty.
19. *Attorney's Fees, Expenses, Costs and Interest.*
The Respondent is denying the Petitioner's request for attorneys' fees not be awarded due to the fraudulent claim of marriage between the Respondent and the Petitioner.

The Petitioner states under oath in his 2020 Federal Bankruptcy Chapter 7 filed with the Eastern District Court of Texas that he was "Not Married" along with stating to the Federal Bankruptcy Court that "within the last 8 years he did not ever live with a spouse or legal equivalent in a community property state (Texas)". Along with the Petitioner declaring and signing the Statement of Financial Affairs that:

"I have read the answers on this Statement of Financial Affairs and any attachments, and I declare under penalty of perjury that answers are true and correct. I understand that making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571."

The Petitioner's actions with Case No. CV24-09-734 filed with County Court at Law Number Two are frivolous and are intended to financially harm the Respondent, thereby justifying the denial of attorney fees for the Petitioner.

20. *Prayer.*

The Respondent recognizes herself as a devote Christian, she values the sanctity of marriage and marriage vows as a sacred institution. The Respondent prays the Courts do not allow the Petitioner's mockery of marriage to continue by attempting to perpetuate fraud upon the Courts and the Respondent.

Respectfully submitted,

DARCY GUSSE
PRO SE



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CERTIFICATE OF SERVICE

I certify that on November 4, 2024, a true and correct copy of the foregoing document was served to each party of this suit pursuant to the Texas Rules of Civil Procedure. Fax to Andrew Lloyd Law Office.

/s/ Darcy Gusse
Darcy Gusse